THE INDIAN MEDICAL COUNCIL ACT, 1933 (XXVII OF 1933).

G. N., G. D., No. S. 190(a), dated 22nd Sept. 1943 (B. G., Pt. IV-A, p. 133). S. 4

Amended by G. N., G. D., No. S. 190, dated 1st November 1943.

Amended by G. N., L. S. G. & P. H. D., No. S. 190, dated 1st October 1951.

In exercise of the functions under section 4 of the Indian Medical Council Act, 1933 (XXVII of 1933), entrusted to the Government of Bombay under the Government of India, Department of Education, Health and Lands, Notification (Health) No. F. 43-10/37-H, dated the 30th March 1938, the Government of Bombay is pleased to prescribe the following rules for the holding of the election of members to the Medical Council of India under clauses (*b*) and (*c*) of sub-section (*1*) of section 3 of the Act to fill the vacancies of members elected under those clauses :—

PART I.—*Election under section 3 (1) (b) of the Act.*

1. The Government of Bombay (hereinafter referred to as "Government") shall call upon the Senate of the University of Bombay to elect a member to the Medical Council of India from amongst the members of the Medical Faculty of the University to fill the vacancy of a member elected to the said Council under clause (*b*) of sub-section (*1*) of section 3 of the Indian Medical Council Act, 1933 (hereinafter referred to as the said Act).

2. Government shall appoint a Returning Officer in respect of the election to be held in pursuance of rule 1.

3. Government shall appoint in respect of the said election a date for the counting of votes.

4. A notice shall be forwarded by the Returning Officer appointed under rule 2 to the Registrar of the University of Bombay by registered post not less than 80 days before the date appointed under rule 3 for the counting of votes informing him of the said date and requiring him to hold the election not later than the said date.

5. The Senate shall elect a member not later than the date appointed under rule 3 in such manner as the Vice-Chancellor of the University may think fit.

6. The name of the person elected shall be intimated by the Registrar of the University to the Returning Officer, who shall forthwith communicate it to Government.

PART II.—*Election under section 3 (1) (c) of the Act.*

1. Government shall call upon the persons enrolled on the Register kept under section 6 of the Bombay Medical Act, 1912, who possess recognised medical qualifications or medical qualifications granted by an Indian University to elect a member to the Medical Council of India from amongst themselves to fill the seat of a member elected to the said Council under clause (*c*) of sub-section (*1*) of section 3 of the said Act.

2. Government shall appoint a Returning Officer in respect of the election to be held in pursuance of rule 1.

3. Government shall appoint in respect of the said election—

(*a*) the last date and hour for receiving nomination papers,
(*b*) a date and hour for the scrutiny of nomination papers,
(*c*) the last date and hour for receipt of voting papers, and
(*d*) a further date and hour for the counting of votes.

4. (1) The Returning Officer appointed under rule 2 shall prepare and publish in the *Bombay Government Gazette* not later than 90 days before the date appointed under clause (*d*) of rule 3 for the counting of votes in Form I annexed to these rules, an electoral roll of persons enrolled on the register kept under section 6 of the Bombay Medical Act, 1912, who possess recognised medical qualifications or medical qualifications granted by an Indian University together with a notice stating that any objections relating to entries in or omissions from the said electoral roll may be referred to the Returning Officer at his office *within a week* after the date of the publication of the electoral roll in the *Bombay Government Gazette*. Copies of such electoral roll shall be posted at the office of the Returning Officer and shall be made available for sale to any elector. The price of a copy of the electoral roll shall be fixed by the Returning Officer in consultation with the Superintendent, Government Printing and Stationery, Bombay.

(2) After receiving the objections, the Returning Officer shall consider the same and revise the electoral roll, if necessary, and shall publish in the *Bombay Government Gazette within a week* after the last date of receiving objections, the final electoral roll, which shall be conclusive. In case no objections are raised, the electoral roll first published shall be conclusive.

5. (1) Any person whose name is on the electoral roll may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form No. II annexed to these rules, which shall be supplied by the Returning Officer to any elector who may apply for the same.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more nomination papers than one.

Provided also that if more than one nomination paper be subscribed by the same elector, only the nomination paper first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than one nomination paper signed by the same elector be received simultaneously by the Returning Officer, all of such nomination papers shall be held to be invalid.

(4) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

6. Nomination papers, which are not received by the Returning Officer at his office on or before the date and hour appointed under clause (*a*) of rule 3 shall be rejected.

7. (1) Every candidate and his proposer and seconder may attend the office of the Returning Officer on the date and at the hour appointed under clause (*b*) of rule 3 and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and may, either of his own motion or on objection made, decide all questions which may arise as to the validity of any nomination and his decision on any such question shall be final.

8. Any duly nominated candidate may withdraw his candidature by sending to the Returning Officer a written and signed withdrawal not later than the date and hour appointed under clause (*b*) of rule 3 for the scrutiny of nomination

papers and it shall not be permissible to him subsequently to cancel such withdrawal.

9. (1) If only one candidate is duly nominated, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If the number of duly nominated candidates exceeds one, the Returning Officer shall publish their names and addresses in the *Bombay Government Gazette not later than 65 days before the date* appointed under clause (*d*) of rule 3 for the counting of votes and shall further cause their names to be entered in voting papers in Form No. III annexed to these rules.

10. (1) The Returning Officer shall send by registered post to each elector, not later than 60 days before the date appointed under clause (*c*) of rule 3 for receipt of voting papers (*i*) a voting paper bearing the name of the constituency as shown in Form III annexed to these rules, (*ii*) a small cover to contain the voting paper, as shown in Form IV annexed to these rules and (*iii*) a bigger cover on which are printed the number of the elector, and the address of the Returning Officer as shown in Form V annexed to these rules:

Provided that such voting paper and covers shall be supplied by registered post to any elector on his applying to the Returning Officer for the same at any time not later than 24 hours before the date appointed under clause (*c*) of rule 3 for the receipt of voting papers.

(2) No election shall be invalid by reason of the non-receipt by an elector of his voting paper.

(3) The voter shall enclose the voting paper duly filled in, but without the name or the signature of the voter, in the small cover and enclose this again in the bigger cover, enter his name and signature on the bigger cover, get his signature attested by a gazetted officer of Government or a Justice of the Peace, and send it to the Returning Officer so as to reach him before the last date and hour appointed under clause (*c*) of rule 3 for receipt of voting papers.

(4) Voting papers which are not received by the Returning Officer before the date and hour appointed under clause (*c*) of rule 3 for the receipt of voting papers shall be rejected.

11. After satisfying himself that the electors have entered their names and signatures on the bigger covers, the Returning Officer shall open the bigger covers before the date and hour appointed under clause (*d*) of rule 3 for the counting of votes and place them in safe custody pending disposal under rule 14.

12. (1) The Returning Officer shall scrutinise and count the votes at his office at the time and on the date appointed under clause (*d*) of rule 3 for the counting of votes.

(2) The Returning Officer shall at the time of scrutiny endorse the word "rejected" on any voting paper which he may reject on the ground that it does not comply with the instructions on the voting paper.

(3) A candidate may be present in person, or may send a representative duly authorised by him in writing to watch the process of counting votes.

(4) The Returning Officer shall show the voting papers, if requested, but not the bigger covers, to the candidates or their representatives.

(5) If any objection is made to any voting paper on the ground that it does not comply with the instructions thereon or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer, whose decision shall be final.

13. (1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate, to whom the largest number of votes has been given, to be elected.

(2) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.

15. The Returning Officer shall intimate the name of the elected candidate to Government.

PART III.—*General.*

1. Government may, of their own motion or on objection made within twenty-one days of the declaration of the result of the election, declare any election to the Council to be void on account of corrupt practice or any other sufficient cause, and may call on the electorate to make a fresh election. The decision of Government under this rule shall be final.

2. The decision of Government on any question that may arise as to the intention, construction or application of these rules shall be final.

FORM I.

(*See* rule 2.)

Electoral Roll.

List of persons qualified to vote under clause (*c*) of sub-section (*1*) of section 3 of the Indian Medical Council Act, 1933.

Serial No.	Name.	Address.	Qualifications.	Remarks.
1	2	3	4	5

I certify that all persons whose names are entered in the above roll are qualified to vote under clause (*c*) of sub-section (*1*) of section 3 of the Indian Medical Act, 1933.

Returning Officer.

FORM II.

[*See* rule 3 (2).]

Nomination Paper.

Note.—This form must be forwarded to the Returning Officer so as to reach him before

*(Counterfoil).

Serial No.

Nomination Paper.

1. Name of elector applying for nomination paper.
2. Number of elector on electoral roll.
3. Date of despatch.

Serial No.

Nomination Paper.

[Election under section 3 (*1*) (*c*) of the Indian Medical Council Act, 1933].

1. Name of Candidate.
2. Number of candidate on electoral roll.
3. Name of proposer.
4. Number of proposer on electoral roll.
5. Name of seconder.
6. Number of seconder on electoral roll.

Initials of Despatching Officer.

We certify that we have satisfied ourselves that the said candidate is willing to stand for election.

Signature of proposer.

Signature of seconder.

* To be retained in the office of the Returning Officer.

FORM III.

Voting Paper.

[*See* rule 6 (2) and (5).]

One member is to be elected to the Indian Medical Council by the persons entered in the electoral roll under section 3 (*1*) (*c*) of the Indian Medical Council Act, 1933.

Serial No.	Names and addresses of candidates duly nominated.	Vote.

Returning Officer.

Instructions.

1. Each elector has one vote.

2. He shall vote by placing the mark × opposite the name of the candidate whom he prefers.

3. The voting paper shall be invalid if the mark × is placed opposite the names of more than one candidate or if the mark is so placed as to render it doubtful to which candidate it is intended to apply.

4. The elector shall enclose the voting paper, duly filled in, in the small cover and enclose this in the bigger cover supplied by the Returning Officer, and shall enter his full name and signature in the left-hand corner of the bigger cover, in the printed column therefor. The signature of the voter should be attested by a Gazetted Officer of Government or a Justice of the Peace.

5. If any elector fills in more than one voting paper, only the voting paper first received by the Returning Officer shall, if otherwise in order, be valid and if the Returning Officer is unable to determine which of such voting papers was first received by him all such voting papers shall be invalid.

6. Each elector shall send his voting paper separately to the Returning Officer.

7. If more than one mark × is placed before the name of any candidate the voting paper shall be rejected.

8. Voting Papers, duly filled in, in accordance with these instructions, should reach the Returning Officer at his address given on the bigger cover, *not later than 12 noon on* * *19* . Voting papers not received in time as specified above shall be rejected.

* Here enter the date appointed under clause (c) of rule 3 in Part II for the receipt of voting papers.

FORM IV.

[*See* rule 6 (*5*).]

Small Cover.

Voting Paper.

FORM V.

[*See* rule 6 (5).]

Bigger Cover.

Elector's No.

To

THE RETURNING OFFICER, Indian Medical Council Election.

[Constituency under section 3 (*1*) (*c*) of the Indian Medical Council Act, 1933.]

Elector's Name (in full) ... ...

Elector's Signature ... ...

Attested by (signature) ... ...

Name and Designation of Attestor ...